

# How to Open a Child Care Program in the City of Milpitas, California

Child care is a vital service for children, parents and our community. Quality child care programs support children's optimal development and permit parents to work, thus enhancing the economic vitality of our city. In the City of Milpitas we value the important work child care providers do. This brochure is designed to provide you with a general overview of how to start a child care program in the City of Milpitas and with specific resources you may contact for more information.

*By answering the following questions,  
you will be well on your way to opening your own child care program!*

## ? What Type of Program Do I Want to Offer ?

### ► To Begin

The first step is to decide which type of child care program best suits your skills, abilities and resources. Listed below are the definitions for and distinctions between family child care homes and child care centers.

### ► Program Type Definitions

A **Family Child Care Home** is a business, licensed to provide non-medical child care services in the provider's primary residence for a period less than twenty-four (24) hours per day. All Family Child Care Homes are described as small or large, depending on the number and ages of children cared for, but can serve no more than 14 children.

- A **Small Family Child Care Home** license permits caring for up to 8 children, including those under 10 years of age who live in the home.
- A **Large Family Child Care Home** license permits caring for up to 14 children, including those under 10 years of age who live in the home and requires an assistant over 14 years of age.

A **Child Care Center** is a business, licensed to provide non-medical child care services for larger groups of children for a period less than twenty-four (24) hours per day. A child care center is located in a building other than the provider's home (such as a church room, community center, or commercial building) and operates only during specified hours. Separate licenses are required to care for infants, preschoolers and school age children. Preschools and nursery schools fall under this category and most are required to be state licensed.

### ► Differences between Family Child Care Homes & Child Care Centers

The main distinctions between a Family Child Care Home and a Child Care Center are the location of the program and the rules and regulations governing the facility. Family Child Care Homes must be located in a home, in which the provider lives, and must meet minimum health and safety regulations. Any other programs caring for children such as preschools, nursery schools, parent cooperatives, sick child cares, church daycares, etc. are considered Child Care Centers and must meet the more rigorous regulations governing child care centers. To view the Title 22 Regulations (The Manuals of Policies and Procedures), access the Department of Social Services Community Care Licensing website at [www.cclcd.ca.gov](http://www.cclcd.ca.gov), select Title 22 Regulations from the sidebar options.

*Quality Child Care: an investment in the future of children, families and our community.*

## ? What Kinds of Services Do I Want to Provide ?

In addition to deciding what type of program to open, you need to consider what services you will provide. The child care needs of children and families are as diverse as the families themselves: some parents work swing shifts, some work weekends, some children have special needs or require accommodations, some parents need school age transportation, some need infant care, etc. These needs are frequently unmet by most traditional child care programs which operate Monday through Friday between 7:00 AM to 6:00 PM and only serve children ages three to five years old.

Looking at the current demand and the existent programs within Milpitas will help you assess the need for standard and non-traditional types of care. You may contact the Community Child Care Council of Santa Clara County (4Cs) at (408) 487-0747 to inquire about current supply and demand for child care services. Some of the most common non-traditional types of care include: after hours care, infant care, mildly ill care, preschool/nursery school, school age care, and special needs care. Descriptions of these types of care are listed below:

► **After hours care** programs are open for business during non-traditional hours, such as evenings and weekends. Parents in occupations such as the medical field and public safety find they need care during these non-traditional work hours. After hours care programs assist with this need.

► **Infant care** programs care for children ages 0 to 2 years old. Infant care requires specialized provider skills and equipment that meets the feeding, health, and development needs of the youngest children.

► **Mildly ill care** programs provide for children who are mildly ill or recovering from a health problem. Regulations preclude mildly ill children from attending regular child care programs because of the need to protect the health and safety of the other children and staff. Mildly ill programs are governed by a separate set of regulations and permit parents to work while their children recover in a safe and secure environment.

► **Preschool/nursery school** programs are classroom-based, enriched learning experiences for children ages 3 and 4 that are not yet attending kindergarten. They are usually part day and often closed during the summer. Some preschools (both public and private) offer additional hours of care to provide full-day care for children of working parents. Most preschools are required to be state licensed, except in some specific cases.

► **School age care** programs are licensed to care for children ages 6-12 years of age. The school age population child care needs are determined by the school schedule and yearly calendar. Before and after school time, school vacations, summer break, in-service days and early release days all present child care challenges for parents of school age children.

► **Special needs care** includes caring for children with, or at risk for, special needs. The term special needs encompasses a broad range of conditions, ranging from physical disabilities to food allergies. Parents of special needs children, like all parents, desire to see their children in child care settings which promote the healthy development of their children. Inclusion of special needs children within regular child care settings has been shown to be a benefit not only for the special needs children but also for the typically developing children in the program. Care for special needs children does not require adhering to a separate set of regulations, but often requires special training for the provider.

*Quality Child Care: an investment in the future of children, families and our community.*

## **? What Licenses and Permits May I Need ?**

### **REQUIRED FOR ALL CHILD CARE PROGRAMS:**

#### **► State of California Community Care License**

**Issued by the Community Care Licensing San Jose Regional Office (408) 324-2148**

The Department of Social Services Community Care Licensing (CCL) issues Family Child Care Home and Child Care Center licenses to ensure basic health, safety and quality of life standards are met. The California Code of Regulations, Title 22, outlines the requirements for both types of care and covers such topics as provider requirements, staffing, physical environment, and program policies. The Manuals of Policies and Procedures may be downloaded from the Department of Social Services Community Care Licensing website at [www.cclld.ca.gov](http://www.cclld.ca.gov), select Title 22 Regulations from the sidebar options.

- A **Family Child Care Home license** is required for anyone performing child care services from his/her home. The only exceptions are if a provider: 1) cares for children from only one other family besides his/her own, 2) cares for only their relative's children, or 3) shares babysitting with another family and no money is exchanged.
- A **Child Care Center license** is required for all programs caring for groups of children in a non-home setting. There are a few exceptions, such as recreational programs, centers located on Federal land, and certain private school programs. Please call CCL San Jose Child Care Regional Office at (408) 324-2148 or visit the CCL website at [www.cclld.ca.gov](http://www.cclld.ca.gov) for more detailed information.

#### **► City Building Permit**

**Issued by the City of Milpitas Building Department (408) 586-3240**

The City of Milpitas Building Department regulates structural changes to the inside or outside of a home or other building and new construction. The Building Department issues Building Permits indicating that the applicable safety regulations have been met. For additional information and forms to download, visit the City Website, Building Department page at [www.ci.milpitas.ca.gov/citydept/building](http://www.ci.milpitas.ca.gov/citydept/building).

### **REQUIRED FOR LARGE FAMILY CHILD CARE HOMES & CHILD CARE CENTERS:**

#### **► City Planning Permit**

**Issued by the City of Milpitas Planning Division (408) 586-3279**

For Large Family Child Care Homes the City of Milpitas Planning Department issues Administrative Permits provided the applicant adheres to the applicable requirements in Section 54.16 of the Zoning Ordinance (see Attachment "A").

For Child Care Centers the City of Milpitas Planning Department requires a Conditional Use Permit, which is issued following a public hearing before the Planning Commission, provided the applicant adheres to the applicable requirements in Section 54.16 of the Zoning Ordinance (Attachment "A"). These permits help ensure that the facility is compatible with the surrounding neighborhood.

For more information and application requirements, please call the City of Milpitas Planning Department Zoning Information Hotline at (408) 586-3279, or go online to view:

The City of Milpitas Municipal Codes at

[http://municipalcodes.lexisnexis.com/codes/milpitas/\\_DATA/TITLE02/index.html](http://municipalcodes.lexisnexis.com/codes/milpitas/_DATA/TITLE02/index.html)

The City of Milpitas Zoning Requirements at

[http://municipalcodes.lexisnexis.com/codes/milpitas/\\_DATA/TITLE11/Chapter\\_10\\_ZONING.html#433](http://municipalcodes.lexisnexis.com/codes/milpitas/_DATA/TITLE11/Chapter_10_ZONING.html#433)

*Quality Child Care: an investment in the future of children, families and our community.*

## **? What Licenses and Permits May I Need ?con't**

### **► City Fire Clearance**

**Issued by the City of Milpitas Fire Department (408) 586-2800**

Fire Clearances are issued by the City of Milpitas Fire Department and indicate that the facility meets all applicable fire codes and safety regulations. Large family child care homes and child care centers must pass the fire inspection prior to becoming licensed and must be inspected annually thereafter. Annual inspection fees are currently \$104, but are subject to change. Small family child care homes are not required to obtain a fire clearance, but must present evidence that the home contains a fire extinguisher and smoke detector. Fire safety clearance requests are processed as part of the licensing process through Community Care Licensing. Additional information regarding the City of Milpitas Fire Department may be viewed on the city website at [www.ci.milpitas.ca.gov/citydept/fire](http://www.ci.milpitas.ca.gov/citydept/fire).

### **► Business License**

**Issued by the City of Milpitas Finance Department (408) 586-3100**

The City of Milpitas Finance Department issues Business Licenses, which are required for all businesses within the city limits. Large family child care homes and child care centers are required to have a Business License. Small family child care homes are exempt. Answers to frequently asked questions about Business Licenses can be found on the city website at [www.ci.milpitas.ca.gov/businesses/biz\\_license\\_faq.htm](http://www.ci.milpitas.ca.gov/businesses/biz_license_faq.htm).

### **► Outside of Milpitas City Limits**

If the proposed facility will be located outside of the Milpitas City limits, contact the Santa Clara County Planning Department at (408) 299-5770 for requirements. More information is also available on the County of Santa Clara Planning Office website at [www.sccgov.org/site/0,4760,sid%253D12867,00.html](http://www.sccgov.org/site/0,4760,sid%253D12867,00.html).

## **? What Steps Do I Need To Take ?**

### **1. Obtain your child care license from Community Care Licensing.**

- Attend an orientation meeting sponsored by Community Care Licensing (CCL). The orientation meetings require a \$25 pre-paid registration fee for family child care and a \$50 pre-paid registration fee for centers. Additional information including the schedule of San Jose meetings is available by visiting the CCL website at [www.ccl.ca.gov/res/pdf/SanJoseOrientationSchedule.pdf](http://www.ccl.ca.gov/res/pdf/SanJoseOrientationSchedule.pdf)
- Complete a 15-hour preventative Health and Safety class that includes Community First Aid and CPR. Contact the Community Child Care Council of Santa Clara County (4Cs) at (408) 487-0749 for a listing of upcoming classes.

## **? What Steps Do I Need To Take ? con't**

- Return the completed CCL application and pay the Application Fee which ranges from \$60.00 for a small family child care home to between \$400 and \$2,000 for a child care center (the fees are associated with capacity requested). Fees are subject to change.
- Once your application has been processed by CCL, you will receive notification by mail of your pending facility number and be sent the necessary paperwork to have your fingerprints done via the Livescan process. Have your fingerprints processed following the instructions enclosed in the mailing. Complete the Child Abuse Index form.
- CCL will request a fire clearance from the City of Milpitas Fire Department and will review your application. A CCL analyst will then conduct a face-to-face interview and a pre-licensing visit to validate that the environment meets health and safety standards and the rules and regulations governing your program.
- CCL will issue your license once their office has received all necessary clearances.

### **2. Work with the City of Milpitas staff to meet City Requirements.**

- Contact the City of Milpitas Child Care Coordinator at (408) 586-3077 who can assist you with any questions you may have regarding this entire process.
- As part of the CCL licensing process, you will receive notification from the City of Milpitas Fire Department to schedule an inspection (for large family child care homes and centers only). Once the inspection has been completed, the Fire Department will issue a Fire Clearance and notify CCL.
- If opening a large family child care home or a child care center, contact the City of Milpitas Planning Department. Planning Staff will assist you with the planning process, the necessary paperwork depending upon the type of program you plan to operate, and the ordinances governing large family child care homes and child care centers in Milpitas.
- Contact the Finance Department if opening a large family child care home or a child care center. Finance Department staff will provide you with the Business License paperwork. Small family child care homes are not required to obtain a business license.
- Contact the City of Milpitas Building Department if you plan to build a new facility or alter the structure of your home or building (including garage conversions).

### **3. Once you receive your license, notify Child Care Resource and Referral Agencies to get listed on their resource lists.**

- Contact the Community Child Care Council of Santa Clara County (4Cs) at (408) 487-0749 and Choices for Children at (408) 297-3295 to be placed on their Resource and Referral lists and to receive information about the food program.
- Contact the City of Milpitas Child Care Coordinator at (408) 586-3077 to be placed on the City's Child Care Resource and Referral list and mailing list. You will be asked to provide a copy of your program's license.

#### **Please note!**

The above checklist is designed to provide you with a general overview of the entire process. Each agency and department will guide you through specific procedures and requirements.

*Quality Child Care: an investment in the future of children, families and our community.*

## **? Who Can I Contact for More Information ?**

### Licensing Information

#### **Department Of Social Services Community Care Licensing (CCL) San Jose Regional Office**

2580 N. First Street, Suite 300, MS: 29-08

**San Jose, CA 95131**

Oversees child care licenses and monitors program compliance with regulations.

General Information: (408) 324-2148  
Child Care Advocate: (510) 622-2623  
[Elizabeth.Rutana@dss.ca.gov](mailto:Elizabeth.Rutana@dss.ca.gov)  
Fax: (408) 324-2160  
Website: [www.cclcd.ca.gov](http://www.cclcd.ca.gov)

### Milpitas Child Care Information & Assistance

#### **City of Milpitas Child Care Coordinator 455 East Calaveras Blvd., Milpitas, CA 95035**

Serves as a liaison between child care providers and city government and assists child care consumers. Also serves as staff liaison for the Milpitas Alliance for Better Child Care.

Direct Line: (408) 586-3077  
Fax: (408) 586-3295  
Email: [tlibrande@ci.milpitas.ca.gov](mailto:tlibrande@ci.milpitas.ca.gov)  
Website: [www.ci.milpitas.ca.gov/citydept/planning/recreation/childcareprogram.htm](http://www.ci.milpitas.ca.gov/citydept/planning/recreation/childcareprogram.htm)

### City of Milpitas

#### **City of Milpitas 455 East Calaveras Blvd., Milpitas, CA 95035**

City Hall General Information (408) 586-3000

Building Inspection Requests (408) 586-3259

Building Permits (408) 586-3240

Business License (408) 586-3100

Child Care Coordinator (408) 586-3077

Finance Department (408) 586-3100

Fire Prevention (408) 586-3265

Planning Division (408) 586-3279

Email: [webmaster@ci.milpitas.ca.gov](mailto:webmaster@ci.milpitas.ca.gov)

Website: [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov)

### Milpitas Family Child Care Support Group

#### **Milpitas Alliance for Better Child Care**

A local group of family child care providers dedicated to networking and communicating in support of each other and the children and families in their care.

Contact City of Milpitas Child Care Coordinator at (408) 586-3077 for more information.

### Santa Clara County Child Care Resource & Referral

#### **Community Child Care Council of Santa Clara County (4Cs)**

**111 East Gish Road, San Jose, CA 95112**

Provides county - wide child care resource and referral, the Child Care Food Program, and training and support for providers.

Administration: (408) 487-0747  
Resource and Referral: (408) 487-0749  
Fax: (408) 487-0762  
Email: [info@4c.org](mailto:info@4c.org)  
Website: [www.4c.org](http://www.4c.org)

#### **Choices for Children**

**111 N. Market St., Suite 100,  
San Jose, CA 95113**

Offers the Child Care Subsidy Program, the Child Care Food Program and Enhanced Family and Provider Services.

Phone: (408) 297-3295  
Fax: (408) 977-0648  
Email: [info@choices4children.org](mailto:info@choices4children.org)  
Website: [www.choices4children.org](http://www.choices4children.org)

### Unincorporated Areas of Santa Clara County

#### **The County of Santa Clara Planning Office County Government Center, East Wing**

**70 W. Hedding St., 7th floor**

**San Jose, CA 95110**

Regulates facilities located outside of the Milpitas City limits.

Phone: (408) 299-5770  
Fax: (408) 288-9198  
Website: <http://www.sccgov.org/site/0,4760,sid%253D12867,00.html>

*Quality Child Care: an investment in the future of children, families and our community.*



# Attachment “A”

## Large Family Child Care Homes and Child Care Centers

### Development Standards

**54.16-4.1 Density.** Large family child care homes shall be spaced at least three hundred (300) feet apart from each other. This spacing requirement does not apply to small family childcare homes.

**54.16-4.2 Off-Street Parking Requirements.** There shall be provided off-street parking spaces for automobiles in accordance with the requirements of Section 53. All such parking spaces shall be improved as provided for in Subsection 54.03.

**54.16-4.3 Hours of Operation.** For large family child care homes, hours of operation shall not occur before 6:30 A.M or after 7:30 P.M., in order to maintain compatibility with neighboring properties and limit noise during night-time hours. Hours of operation shall be determined through the Use Permit process and shall be based on compatibility with neighboring properties and other planning principles as set forth in Section 57 of this Chapter.

**54.16-4.4 Fence Height.** Outdoor play areas for childcare centers shall be enclosed with a six-foot high fence. The fence type shall be compatible with neighboring properties and other planning principles as set forth in Section 57 of this Chapter.

**54.16-5 Code Enforcement Procedures.** If any large family child care home is operating in a manner that constitutes a nuisance, the child care facility operator shall work with the Planning Division to address the nuisance, through such actions as adjusting hours of operation, adjusting hours of outdoor play, staggering times for child drop-off and pick-up, and the like. If any childcare center is operating in a manner which constitutes a nuisance, the Planning Commission shall reopen the Use Permit to add or change conditions of approval addressing the issue(s). If the nuisance continues, the Planning Commission may review the Use Permit with a recommendation to the City Council pursuant to Section 63.06 (Revocation, Suspension and Modification). (Ord. 38.761 (part), 5/20/03: Ord. 38.702 (1) (part), 8/15/95)

### Parking Requirements

#### 53.23-6 Child Care Uses

- (1) Single-family, duplexes and multifamily residences  
Shall be the same number of spaces required in residential districts
- (2) Child care facilities, serving more than 8 children  
1 space for every 1.5 employees
- (3) Schools other than child care centers  
1 space per classroom or 1 space for each 500 square foot of gross floor area

#### 53.23-7 Loading/Unloading Child Care Uses

- (1) Child care facilities  
1 space for every 6 children up to 5 spaces and thereafter 1 space for every 10 children  
Driveways, garage aprons and street frontage may be counted if appropriate permits are first received when calculating spaces for child care homes. Tandem spaces are prohibited.

### Signage

Refer to the Sign Ordinance Section XI-30

**Questions? Call the City of Milpitas Planning Department  
Zoning Information Hotline at (408) 586-3279.**

*Quality Child Care: an investment in the future of children, families and our community.*